

IN SENATE OF THE UNITED STATES.

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DECEMBER 22, 1845.

Submitted, and ordered to be printed.

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Mr. BREESE, from the Committee on Public Lands, made the following

REPORT:

[To accompany Bill S. 8.]

*The Committee on Public Lands, to which was referred the "Bill for the relief of William Elliot, Jr., of Fulton county, State of Illinois," report:*

That at the first and second sessions of the 28th Congress, a bill similar to the one now under consideration received the favorable action of the Senate, and, for the want of time, was not reached in the House.

The committee have fully considered the application, and report the bill without amendment, and recommend its passage, and make the report submitted at the first session of the last Congress a part of this report.

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DECEMBER 31, 1844.

*The Committee on Public Lands, to which was referred the "Bill for the relief of William Elliot, Jr." of Fulton county, State of Illinois, report:*

That they have had the same under consideration, and herewith report the same back to the Senate, and recommend that the same do pass.

Your committee herewith also return certain documents showing the grounds upon which the application of the said William appears to have been based, and which sufficiently demonstrate the equity of the claim he prefers.

Your committee also ask leave to say that the same bill was at the last session of the Senate duly considered by the Committee on Public Lands, and recommended to the favorable action of the Senate; and that the bill then received the sanction of this body, and was passed, but does not seem to have been acted upon nor reached by the House.

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FULLER'S HOTEL, WASHINGTON, May 17, 1844.

SIR: In accordance with the very kind suggestion you were pleased to make me on the subject of the bill for my relief, referred to the committee of which you are chairman, I have the honor to submit the following

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statement : In the year 1833, I resided on a tract of government land, and on the 19th June, 1834, had possession of and cultivated the northwest quarter of section thirty, township five north, range four east. While the pre-emption law of 1834 was in force, I filed a pre-emption claim at Quincy, Illinois, to the last-mentioned tract, and was informed by Colonel Alexander, the receiver, (since deceased,) that the proofs were in compliance with the terms of the law, and he filed the papers and received the money. In 1838 the entry was cancelled, because I did not, within six months after the passage of the law, (to wit, prior to the 19th December, 1834,) designate which of said quarter sections I intended to claim. I did not hear of this cancellation till 1842. I supposed, when I filed the papers at Quincy, that I was within the rule of the law, and the receiver committed an error in filing the papers and receiving the money. I afterwards, and before I heard of this cancellation, sold the land to an actual settler by warranty deed, for whose benefit I desire to enter the land. By the laws of Illinois, this entry will accrue to his benefit without further conveyance from me. (*Vide Revised Laws of Illinois, 1833, title Conveyance.*) There is no peculiar value to this land ; it is ordinary farming land. Neither myself nor my grantee can comply with the terms of the present pre-emption law. If the receiver had not made a mistake, I should not have paid the money, but should have proved a pre-emption to this land under a subsequent law. I have never proved a pre-emption to any other land than this ; and having been an early settler, and borne all the inconveniences of a new country, it would be hard to lose the land I have improved.

I have the honor to remain, with sentiments of the highest respect, your obedient servant,

WILLIAM ELLIOT, JR.

Hon. Mr. WOODBRIDGE,  
*United States Senate.*

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*Statement of reasons why a bill of relief should be reported in favor of  
William Elliot, Jr.*

The said Elliot was an early settler in Fulton county, Illinois. In 1833 he resided on government land, and cultivated the tract mentioned in the bill. In 1834 he filed a pre-emption claim to the tract mentioned in the bill, at Quincy, Illinois, and was informed by Colonel Alexander, the receiver, that the proofs were sufficient, who filed the papers and received the money. In 1838 the entry was cancelled by the Commissioner of the General Land Office, on the ground that said Elliot had not designated, within six months after the passage of the law of 1834, which tract he designed to enter ; and of this cancellation said Elliot was not apprized till 1842. Had the cancellation taken place earlier, and notice been given, said Elliot could have proved a pre-emption under a subsequent law. But, at the time of the notification, the land had been sold to a settler, who had made valuable improvements on the same, and for whose benefit said Elliot now wishes to enter said land. The said Elliot having made a warranty deed to said settler, by the laws of Illinois, an entry by said Elliot will vest the title in his grantee. Having represented the case to the Commissioner of the General Land Office, he has ordered the sale of this land to be suspended, to give

said Elliot an opportunity to make this application. For the character of said Elliot, and the credit that may be attached to his statements, he refers to the Senators and members of Congress from Illinois.

WILLIAM ELLIOT, JR.

WASHINGTON, May 17, 1844.

The undersigned, Senators and Representatives in Congress from the State of Illinois, are well acquainted with William Elliot, jr., and, from our knowledge of his character for integrity and veracity, give full faith and credit to all the statements in the enclosed letter by him signed, and recommend his case to the favorable consideration of the committee.

SIDNEY BREESE.

JAMES SEMPLE.

S. A. DOUGLASS.

ROBERT SMITH.

JOHN J. HARDIN.

JOHN WENTWORTH.

ORLANDO B. FICKLIN.

J. P. HOGE.

JOHN A. McCLEARNAND.

GENERAL LAND OFFICE, May 18, 1844.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, enclosing Senate bill (No. 176) for the relief of William Elliot, jr., of Fulton county, State of Illinois, accompanied by a "statement purporting to exhibit the facts" upon which the application by him for relief is founded, which papers are herewith returned.

In reply to your request for a statement of the facts as they may appear at the General Land Office, together with my opinion as to the safety and expediency of passing the bill, I have to state, that, on the 11th February, 1836, William Elliot, jr. was permitted by the land officers at Quincy, Illinois, to enter, per certificate 6,677 of that office, the northwest quarter of section 30, township 5 north, range 4 east, under a claim preferred by him under act of 19th June, 1834. On the 3d February, 1838, the entry so made was cancelled by this office, because of the want of right of said Elliot under the law, the proof showing that he did not cultivate the land entered in the year 1833, but cultivated the northwest quarter of section 3, township 5 north, range 3 east, during that year, and lived, on 19th June, 1834, on the tract entered, which he cultivated in the year 1834.

The law gave the right of pre-emption to the tract cultivated in 1833, and in possession of the claimant on 19th June, 1834, or, where he cultivated one tract of public land, and resided on another, it gave him the right to a choice between the two, provided he designated, within six months from the passage of the law (viz: before the 19th December, 1834) which tract he was desirous of entering. The tract entered was not cultivated in 1833; and even if proof had been shown that he lived on the tract entered during the year 1833, (while he was cultivating the other tract mentioned,)

he did not make his selection between the two until the 11th February, 1836, long after the six months granted in that case had expired.

This decision was communicated to the land office at Quincy, Illinois, (as usual, for the information of the claimant,) on 3d February, 1838. But, on the 3d March, 1842, a letter was received from Mr. Elliot, making inquiry why a patent had not issued on his entry; to which this office replied on the 23d March, 1842, giving him the necessary information. It would appear therefrom, as mentioned in the statement of Mr. Elliot, that he did not know, until 1842, of the objections to his entry.

These are all the facts known to this office in relation to the claim of Mr. Elliot, except that the purchase money was refunded to him in the 2d quarter of 1842.

As to the safety or expediency of the bill, in reference to which my opinion is asked, I would remark, that the land appears, from the books of this office, to be vacant public land; and as the entry of Mr. Elliot has been assigned by him to another, as he alleges, and as the law of 4th September, 1841, is the only pre-emption law now in force, and its provisions are not applicable to this land, there would be no danger of violating the rights of third parties by the passage of the bill. As to its expediency, this office can only express its opinion upon the statement of Mr. Elliot, showing that, under an adjudication by the land officers, and believing himself entitled to the land, he sold the same to another individual, and executed to him a warranty deed; that said individual has made valuable improvements thereon; and the object of Mr. Elliot is to procure a title to the said land, in order that he may be enabled to comply with such warranty. Under these circumstances, this office sees no objection to the passage of the bill.

With much respect, your obedient servant,

THOMAS H. BLAKE, *Commissioner*.

HON. WILLIAM WOODBRIDGE,

*Chairman Committee on Public Lands, Senate U. S.*